

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Joseph M. Asher, et al.
Application No. : 10/687,302 Confirmation No. : 7925
Filed : October 14, 2003
For : SYSTEM AND METHOD FOR GENERATING
CUSTOMIZED ODDS BET FOR AN EVENT
Group Art Unit : 3717
Examiner : Steven J. Hylinski

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the Final Rejection of July 19, 2011 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheet.

REMARKS**I. The Cited Portions of Sato Have Not Been Shown To Disclose All Claim Limitations**

All claims stand rejected as being anticipated by Sato et al., US 2003/0054870 (herein after Sato). The cited portions of Sato have not been shown to disclose, let alone suggest, all claim limitations.

Independent claim 1 recites in part:

receive from a bettor a wager on an event at desired odds, ...

determine that a combination of at least ... first odds [for a first betting option] and ... second odds [for a second betting option] at least approximates the desired odds....

Regarding the “determine ...” limitations of claim 1, the Examiner refers to a feature of Sato where in response to a player specifying a desired odds range, “[a]ll speculations [having odds] falling in the range are indicated, and the rest [of the] speculations [having odds falling outside the range] are not indicated.” Notably, the cited portions of Sato provide no discussion that a combination of odds from multiple speculations are considered when determining which speculations fall within the specified range. On the contrary, Sato appears to only consider the odds of each speculation in isolation when making the determination. Accordingly, the cited portions of Sato provide no discussion of combinations of odds approximating the odds range and as such, have not been shown to disclose the above noted limitations of claim 1.

Claim 1 further recites in part:

receive from a bettor a wager on an event ...

establish for the bettor at least:

a first bet on the first betting option, and
a second bet on the second betting option....

Regarding the “establish ...” limitations of claim 1, the Examiner refers to a feature of Sato where after all speculations falling in the player’s specified odds range are indicated, a player may select an all bets button to select all indicated speculations. The Examiner equates this all bets feature of Sato to the “establish ... a first bet ... and a second bet...” limitations of claim 1. Even assuming, *arguendo*, that such features are similar to claim 1, the Examiner does not discuss what features of Sato are “receiving from a bettor a wager on an event” and as such, does not discuss how Sato discloses establishing at least first and second bets as result of receiving a wager from the

betor, as recited by claim 1. Furthermore, the cited portions of Sato do not disclose such limitations.

Claim 1 further recites in part:

receive from a bettor a wager ... , in which the wager has a bet amount associated therewith ...;
allocate a first portion of the bet amount to the first bet; and
allocate a second portion of the bet amount to the second bet.

Regarding the “allocate ...” limitations of claim 1, the Examiner refers to a feature of Sato where a player can designate a bet unit. When, for example, the player selects the all bets button to select all indicated speculations, the bet unit is accorded to each speculation. The Examiner states that the total number of selected speculations multiplied by the bet unit is a “total bet amount,” which the Examiner equates to the “bet amount” of claim 1. Notably, the cited portions of Sato provide no discussion of receiving from a bettor a wager having an associated “total bet amount” and allocating portions of the “total bet amount” to first and second bets. Similarly, the Examiner never discusses how Sato discloses such features. Rather, the Examiner only discusses that the “total bet amount” is a value derived by multiplying a total number of speculations by a bet unit. However, claim 1 does not recite such limitations.

Independent claims 13, 25, and 36 stand rejected for similar reasons as claim 1. The cited portions of Sato have not been shown to disclose all limitations of claims 13, 25, and 36 for at least the same reasons as claim 1.

II. Conclusion

For at least the foregoing reasons, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

January 19, 2012
Date

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